

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

EDGAR UMANSOR,

Plaintiff

v.

WILLIAMS, *et al.*,

Defendants

Case No. 2:20-cv-00819-APG-VCF

**ORDER**

**I. DISCUSSION**

On July 1, 2020, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee for a civil action no later than August 3, 2020. (ECF No. 7).

On July 27, 2020, Plaintiff filed a motion for extension of time (second request). (ECF No. 8). The Court grants Plaintiff's second motion for extension of time at ECF No. 8. Plaintiff shall file a fully complete application to proceed *in forma pauperis*, including both a financial certificate and an inmate account statement for the previous six-month period or pay the full \$400 filing fee on or before **September 28, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time.

In the event Plaintiff is having difficulty obtaining both a financial certificate and an inmate account statement from prison officials, Plaintiff shall file an affidavit in this case detailing when he requested both documents, who he spoke to about the status of both documents, who he followed up with after he did not receive both documents, and their responses. Specifically, if Plaintiff is unable to acquire the necessary documents from prison officials, after making efforts to do so following receipt of this order, he must provide the Court with an affidavit that demonstrates that he has done all that he could to acquire both a financial certificate and an inmate account statement by the Court's deadline. Plaintiff's affidavit should include dates of his requests, dates of his follow-up requests, names of the prison officials that he spoke to about the matter, and their responses. If

1 Plaintiff's affidavit demonstrates that he has done all that was possible to acquire both a  
2 financial certificate and an inmate account statement, the Court will consider his  
3 application to proceed *in forma pauperis* complete.<sup>1</sup>

4 If Plaintiff does not file a fully complete application to proceed *in forma pauperis*  
5 with all three required documents or, alternatively, the first three pages of the application  
6 to proceed *in forma pauperis* and an affidavit detailing the efforts he took to acquire both  
7 a financial certificate and an inmate account statement from prison officials on or before  
8 **September 28, 2020**, or pay the full \$400 filing fee, the Court will dismiss this case without  
9 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
10 three of the documents needed to file a fully complete application to proceed *in forma*  
11 *pauperis* or, alternatively, the first three pages of the application to proceed *in forma*  
12 *pauperis* and an affidavit detailing the efforts he took to acquire both a financial certificate  
13 and an inmate account statement from prison officials.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
15 case with the Court, under a new case number, when Plaintiff has all three documents  
16 needed to submit with the application to proceed *in forma pauperis* or, alternatively, the  
17 first three pages of the application to proceed *in forma pauperis* and an affidavit detailing  
18 the efforts he took to acquire both a financial certificate and an inmate account statement  
19 from prison officials. Plaintiff may also choose not to file an application to proceed *in*  
20 *forma pauperis* and instead pay the full filing fee of \$400 on or before **September 28,**  
21 **2020** to proceed with this case.

## 22 II. CONCLUSION

23 For the foregoing reasons, IT IS ORDERED Plaintiffs motion for extension of time  
24 (second request) at ECF No. 8 is granted.

25 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
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27 <sup>1</sup> Plaintiff must still submit the first three pages of the application to proceed *in*  
28 *forma pauperis* on this Court's approved form with his affidavit. If Plaintiff does not submit  
the first three pages of the application to proceed *in forma pauperis* with the affidavit, the  
Court will dismiss the case without prejudice for Plaintiff to open a new case when he is  
able to acquire the required documents.

1 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
2 document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that on or before **September 28, 2020**, Plaintiff will  
4 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and  
5 the \$50 administrative fee) or file with the Court:

6 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
7 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
8 signatures on page 3),

9 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
10 official (i.e. page 4 of this Court's approved form), and

11 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
12 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,  
13 Plaintiff must still submit an inmate account statement for the dates he has been present  
14 at the facility.

15 Alternatively, Plaintiff will file with the Court the first three pages of the application  
16 to proceed *in forma pauperis* and submit an affidavit detailing the efforts he took to acquire  
17 both a financial certificate and an inmate account statement from prison officials.

18 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
19 application to proceed *in forma pauperis* with all three documents, or the first three pages  
20 of the application to proceed *in forma pauperis* and an affidavit detailing the efforts he  
21 took to acquire both a financial certificate and an inmate account statement from prison  
22 officials, or pay the full \$400 filing fee for a civil action on or before **September 28, 2020**,  
23 the Court will dismiss this action without prejudice for Plaintiff to refile the case with the  
24 Court, under a new case number, when Plaintiff has all three documents needed to file a  
25 complete application to proceed *in forma pauperis*.

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1 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
2 (Docket No.1-1) but will not file it at this time.

3 DATED: 7-30-2020

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5 UNITED STATES MAGISTRATE JUDGE  
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